

**Date:** 2020-12-16

**File No:** C10E05.019 and 21T-14001B

**Subject:** **Recommendation Report**  
Application to Amend the Official Plan and Zoning By-Law, and Proposed Draft Plan of Subdivision  
(To permit the development of 69 townhouse units, and 26 live-work units)  
**Matthews Planning & Management Ltd. - Ouray Developments Incorporated**  
Northeast corner of Nexus Avenue and Fogal Road  
Part of Lot 5, Concession 10, Northern Division  
Ward: 8 [Enter your Subject Here](#)

**Contact:** Nasir Mahmood, Development Planner, Development Services Division, 905-874-2094  
Cynthia Owusu-Gyimah, Acting Manager, Development Services Division, 905-874-2064

**Report Number:** Planning, Building and Economic Development-2021-029

**Recommendations:**

1. **THAT** the report titled: **Recommendation Report**, Application to Amend the Official Plan and Zoning By-Law, and Proposed Draft Plan of Subdivision, **Matthews Planning & Management Ltd. - Ouray Developments Incorporated**, Northeast corner of Nexus Avenue and Fogal Road, Part of Lot 5, Concession 10, Northern Division, Ward 8 (File: C10E05.019 & 21T-14001B) to the Planning and Development Committee Meeting of January 18, 2021 be received;
2. **THAT** the application to amend the Official Plan and Zoning By-law, and Proposed Draft Plan of Subdivision, submitted by J.H. Stevens, Planning & Development Consultants submitted on behalf of Ouray Developments Incorporated, Ward: 8, Files C10E05.019 and 21T-14001B, be approved on the basis that it represents good planning, including that it is consistent with the Provincial Policy Statement, and conforms to the Growth Plan for the Greater Golden Horseshoe, the Region

of Peel Official Plan, and the City's Official Plan for the reasons set out in this report;

3. **THAT** the amendments to the Official Plan including the Bram East Secondary Plan, generally in accordance with the by-law attached as Appendix 10 of this report be adopted;
4. **THAT** the amendments to the Zoning By-law, generally in accordance with the by-law attached as Appendix 11 of this report be adopted;
5. **THAT** no further notice or public meeting be required for the attached Zoning By-law Amendment pursuant to Section 34(17) of the *Planning Act*, R.S.O. c.P. 13, as amended.

#### **Overview:**

- **This application to amend the Official Plan and Zoning By-law, and a draft plan of subdivision, proposes the development of the subject lands with 69 townhouse dwellings, 26 live-work townhouse dwellings, a Natural Heritage System (NHS) block, a NHS buffer block, a storm servicing block, and a public street.**
- **This report recommends that this application to amend the Official Plan and the Zoning By-law, and the proposed draft plan of subdivision be approved.**
- **The property is currently designated 'Residential' in the Official Plan, and 'Mixed Commercial/Industrial' and 'Valleyland' in the Bram East Secondary Plan Area 41. The proposed Official Plan amendment (Appendix 10) seeks to amend the Bram East Secondary Plan Area 41 to re-designate the subject lands to "Residential – Medium Density" designation to facilitate townhouse and live-work townhouse dwellings.**
- **The proposal that involves townhouse residential (townhouses, and live-work townhouses) development, also involved the conversion of employment lands to non-employment (Residential) lands through the Municipal Comprehensive Review (MCR) process. The proposed conversion was approved by Council on May 30, 2016. Through a related Official Plan amendment (OP2006-128), conversion from 'Employment Areas' to 'Communities' designation on Schedule 1, from 'Business Corridor' to 'Residential' designation on Schedule A to the Official Plan, and deletion of Special Land Use Policy Area 13 was approved by Council on April 26, 2017. A group of landowners in the City appealed the Official Plan amendment OPA2006-128 to the Ontario Municipal Board (OMB)/Local Planning Appeal Tribunal (LPAT). The appeal was withdrawn on July 03, 2020.**

- **The property is currently zoned ‘Industrial Four - Special Section - 1776 (M4-1776)’ which does not permit the proposed residential development. The proposed Zoning By-law amendment (Appendix 11) seeks to rezone the subject lands to ‘Residential Townhouse (R3E-x)’ and ‘Open Space (OS)’ zones to facilitate the proposed townhouse and live-work townhouse dwellings.**
- **The proposed Official Plan and Zoning By-law amendments represent good planning, are consistent with the Provincial Policy Statement, and conform to the Growth Plan for the Greater Golden Horseshoe, the Region of Peel Official Plan, and the general intent of the City of Brampton Official Plan.**
- **A statutory Public Meeting for this application was held on May 5, 2014. Two members of the public attended the Statutory Public Meeting to speak to the application. Details of the Public Meeting are included in Appendix 8 of this report.**
- **The proposal is consistent with the “2018-2022 Term of Council Direction: A Compass for our Community” and supports the “A City of Opportunities” theme. The proposal is consistent with the direction of building complete sustainable communities to accommodate growth for people and jobs.**

### **Background:**

This application was submitted on January 30, 2013 by J.H. Stevens, Planning & Development Consultants on behalf of Ouray Developments Incorporated. It was reviewed for completeness and found to be complete in accordance with the *Planning Act* as of April 04, 2014. A formal Notice of Complete Application dated April 04, 2014 was provided to the applicant.

The proposal that involves townhouse residential (townhouses, and live-work townhouses) development, also involved the conversion of employment lands to non-employment (Residential) lands through the Municipal Comprehensive Review (MCR) process. The proposed conversion was approved by Council on May 30, 2016. Through a related Official Plan amendment (OP2006-128), conversion from ‘Employment Areas’ to ‘Communities’ designation on Schedule 1, from ‘Business Corridor’ to ‘Residential’ designation on Schedule A to the Official Plan, and deletion of Special Land Use Policy Area 13, was approved by Council on April 26, 2017. A group of landowners in the City appealed the Official Plan amendment OP2006-128 to the Ontario Municipal Board (OMB)/Local Planning Appeal Tribunal (LPAT). The appeal was withdrawn on July 03, 2020.

## **Current Situation:**

### Proposal

The application to amend the Official Plan and the Zoning By-law, and a proposed draft plan of subdivision propose to develop a 3.06 hectare (7.56 acre) site with townhouse dwellings and live-work townhouse dwellings. Details of the proposal are as follows (refer to Appendices 1 to 1C):

- 69 townhouse dwelling units fronting onto a new public street (i.e. Falby Road);
- 26 live-work townhouse units fronting onto Fogal Road;
- A Natural Heritage System (NHS) block;
- A Storm Servicing block;
- A 10 metre wide NHS buffer block;
- A 1.15 metre wide lay-by parking block along Fogal Road;
- A Public Street (Falby Road); and,
- An overall density of approximately 49 units per net residential hectare.

### Property Description and Surrounding Land Use

The property is currently vacant and has the following characteristics:

- ◆ is located on the north east corner of Nexus Avenue and Fogal Road;
- ◆ has a total site area of 3.06 hectares (7.56 acres); and,
- ◆ has a frontage of 225 metres along Fogal Road and 115 metres along Nexus Avenue.

The surrounding land uses are described as follows:

North: A storm water management pond, valley land, and a registered plan of subdivision 43M-2021 (townhouses, live-work townhouses)

South: Fogal Road, beyond which are vacant lands that are part of a registered plan of subdivision 43M-2092 for residential (singles, townhouses) and office/commercial uses

East: Valley land

West: Nexus Avenue, beyond which is a commercial banquet hall and other commercial uses

### Summary of Recommendations

This report recommends that Council enact the Official Plan Amendment and Zoning By-law amendment attached as per Appendices 10 and 11, respectively, and approve the proposed Draft Plan of Subdivision.

### Planning Analysis Summary

The proposed Official Plan and Zoning By-law amendments are consistent with the Provincial Policy Statement, conform to the Growth Plan for the Greater Golden Horseshoe, the Region of Peel Official Plan, and the City's Official Plan.

The proposed draft plan of subdivision supports complete communities by providing a variety of housing options (including street townhouses, lane-based/dual-frontage townhouses, and live-work townhouses) complementary to the housing stock in the area, with easy access to commercial/retail, recreational, and employment opportunities. The proposed development would rely on the existing water and sanitary/storm services in the area, and would be pedestrian and transit friendly.

The subject lands are located along Fogal Road/Nexus Avenue and are situated in proximity to The Gore Road (a Primary Transit Corridor), Queen Street west (a BRT corridor), and within the The Gore Road/Queen Street East Major Transit Station Area. Future residents will have access to existing transit stops and higher order transit services. The proposed development will have no negative impacts on any of the environmental or natural heritage features or their functions.

The proposed Official Plan and Zoning By-law Amendments would conform to the Official Plan and maintain the general principles of the "Residential - Medium Density" designation by providing buildings that are less than four storey high. The scale and massing would not impact the surrounding area. The proposal of transit supportive townhouses takes advantage of the site's proximity to The Gore Road/Queen Street East Major Transit Station Area.

See Appendix 7 for a Detailed Planning Analysis.

### Matters of Provincial Interest

#### *Planning Act*

The proposed development has regard for the matters of Provincial interest as set out in Section 2, and Section 51(24) of the *Planning Act*. It specifically has regard for the

provincial interests as it proposes an orderly development of safe and healthy community that is compatible with the existing development in the area, adds to the City's stock of affordable housing, creates employment opportunities, is pedestrian/transit friendly, and protects the natural environment. It also has regard for the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality. The proposed subdivision, which is deemed to be in public interest for its valuable contribution to the City's housing stock, conforms to the City of Brampton Official Plan and the adjacent plans of subdivision. The subject lands are suitable for the purposes of the proposed subdivision, and the proposed roads along with the surrounding road network are considered to be adequate for the objectives of the subdivision. The dimensions and shapes of the proposed lots are deemed to be appropriate. The existing/proposed utilities and municipal services are considered to be adequate for the proposed development. The natural areas/features and resources would be protected in the proposed subdivision.

### *Provincial Policy Statement (2020)*

Section 3 of the *Planning Act* requires that decisions affecting planning matters "shall be consistent with the policy statements issued under the *Act*. The proposed development is consistent with the Provincial Policy Statement as it proposes a healthy, livable and safe community that accommodates residential and employment uses, and respects the environment, public health and safety. It proposes a compact form of development located within a settlement area, and is based on a density and mix of land uses that efficiently uses land and the existing municipal infrastructure/public service facilities, supports active transportation, and is transit-friendly.

### *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)*

The Growth Plan for the Greater Golden Horseshoe includes policy and direction intended to accommodate and forecast growth in complete communities. These are communities that are well designed to meet people's needs for daily living throughout an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, public service facilities, and a full range of housing to accommodate a range of incomes and household sizes.

The subject lands are located within the 'Designated Greenfield Area' as per the 2019 Growth Plan. In accordance with the Growth Plan policies for this area, the proposed development has been planned, designated, and designed in a manner so as to achieve complete communities, support active transportation, and support transit services. The proposed development supports the achievement of a complete community by providing a mix of uses with a street network that supports active transportation.

As per Growth Plan policy, the 'Designated Greenfield Area' in the Region of Peel is to be planned to achieve, within the horizon of the Growth Plan, a minimum density target that is not less than 50 residents and jobs combined per hectare. The combined people and jobs per hectare proposed by this development will be approximately 71 persons and jobs per hectare, which exceeds the minimum density target established in the Growth Plan.

### Region of Peel Official Plan

The subject lands are located within the “Urban System” designation in the Region of Peel Official Plan. In accordance with the Region of Peel Official Plan policies relating to the ‘Urban System’ and ‘Designated Greenfield Area’, the proposed development envisages the achievement of a compact form and mix of land use that supports walking, is transit friendly, and efficiently uses the resources of land, services, infrastructure and public transit. The application conforms to the policies of the Region of Peel Official Plan.

### City of Brampton Official Plan

The subject lands are designated ‘Residential’ on Schedule A – General Land Use Designations of the Official Plan. The ‘Residential’ designation permits predominantly residential land uses including a full range of dwelling types ranging from single detached houses to high-rise apartments. The proposed development conforms to the ‘Residential’ designation of the Official Plan.

### Bram East Secondary Plan

The subject lands are designated ‘Mixed - Commercial/Industrial’ and ‘Valleyland’ in the Bram East Secondary Plan Area 41 which does not permit the proposed residential uses. The current Application to Amend the Official Plan seeks to amend the Secondary Plan to re-designate the property from ‘Mixed - Commercial/Industrial’ designation to ‘Residential – Medium Density’ designation to facilitate townhouse dwellings and live-work townhouse dwellings. In accordance with the Secondary Plan policy, the proposed development will seek to achieve acceptable transition and physical integration with lower density forms of development and for the provision of design and land use features (live-work units) to achieve effective separation and buffering from major roads or adjacent Mixed Commercial-Industrial uses. Subject to the proposed Official Plan amendment, the proposed use conforms to the ‘Residential – Medium Density’ policies of the Secondary Plan.

### Zoning By-law 270-2004

The property is currently zoned 'Industrial Four - Special Section – 1776 (M4-1776)' which does not permit the proposed residential development. The proposed Zoning By-law amendment (Appendix 11) seeks to rezone the subject lands to 'Residential Townhouse (R3E-x)' and 'Open Space (OS)' zone to facilitate the proposed townhouse and live-work townhouse dwellings, and protect the natural areas. Special zoning sections and zoning exceptions have been included to address the zoning requirements of street townhouses, lane-based town houses, live-work townhouses, and certain irregularly shaped lots.

Staff is satisfied that the proposed amendment to the Zoning By-law captures the intent and vision of the Official Plan policy and will facilitate the development of the subject property with mixed-use (townhouses/live-work townhouses), medium density, transit supportive, and pedestrian friendly land uses.

### Community Engagement

The application was circulated to City Departments, commenting agencies and property owners within 240 metres of the subject lands on April 08, 2014 in accordance with and exceeding the *Planning Act* requirements. A copy of all departmental/agency comments are attached as Appendix 9 to this report. Notice signs were placed on the subject lands advising the members of the public of the designation/zone changes requested in the application. This report along with the complete application requirements, including studies have been posted to the City's website.

The statutory public meeting for this application was held on May 5, 2014. Two members of the public were in attendance and raised a number of points with regard to the proposed development. A response to the points raised can be found in the Results of the Public Meeting at Appendix 8.

### **Corporate Implications:**

#### Financial Implications:

There are no financial implications associated with these Applications to Amend the Official Plan and Zoning By-law and proposed Draft Plan of Subdivision. Revenues collected through development application fees are accounted for in the approved operating budget.

#### Other Implications:

There are no other implications associated with this Application to Amend the Official Plan and Zoning By-law, and proposed Draft Plan of Subdivision.

### **Term of Council Priorities:**

The proposed townhouse development is consistent with the "A City of Opportunities" theme. It supports the building of complete communities to accommodate growth for people and jobs. The proposal satisfies these priorities by:



- Directing growth to an area that is within proximity to existing amenities and higher order transportation infrastructure;
- Providing opportunity for efficient growth; and,
- Directing intensification along a designated intensification corridor.

### **Living the Mosaic – 2040 Vision:**

This report has been prepared in full consideration of the overall vision that the people of Brampton will ‘Live the Mosaic’. This report aligns with the vision that Brampton will be a mosaic of complete neighbourhoods and vibrant centres.

### **Conclusion:**

The proposal provides an opportunity to develop the subject land with townhouse dwellings and live-work townhouse dwellings integrated into the surrounding neighbourhood. It represents an appropriate use of the land by providing a compact form of housing that fits with the context, yet supporting the City’s vision of directing intensification along an intensification corridor. The proposed built form is compatible with adjacent developments and nearby land uses and the scale and massing would not impact the established physical character of the area. The proposed development is consistent with the Provincial Policy Statement (2020), conforms with the Growth Plan for the Greater Golden Horseshoe (2019), the Region of Peel Official Plan, and the City’s Official Plan. Staff are satisfied that the application represents good planning, and recommend approval of the application.

Authored by:

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**Appendices:**

Appendix 1:	Draft Plan of Subdivision
Appendix 1A:	Rendering: Live-Work Townhouse Dwellings
Appendix 1B:	Rendering: Lane-based Townhouse Dwellings
Appendix 1C:	Rendering: Street Townhouse Dwellings
Appendix 2:	Location Map
Appendix 3:	Official Plan Designations
Appendix 4:	Secondary Plan Designations
Appendix 5:	Zoning Designations
Appendix 6:	Aerial & Existing Land Use
Appendix 7:	Detailed Planning Analysis
Appendix 8:	Results of Public Meeting
Appendix 9:	Results of Circulation
Appendix 10:	Draft Official Plan Amendment
Appendix 11:	Draft Zoning By-law Amendment
Appendix 12:	Draft Plan Conditions